

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Letters Patent Appeal No. 307 of 2002
In
Writ Petition No. 3925 of 2002

Shri Prashant Kashinath Pawar .. Appellant
V/s.
The State of Maharashtra & Ors. .. Respondents

Mr. P.N. Joshi for the Appellant
Ms. S.S. Bhende, AGP. for the Respondent Nos. 1, 2
and 4
Mr. V.A. Gangal for the Respondent No. 3

CORAM : DR. S. RADHAKRISHNAN &
SMT. V.K. TAHILRAMANI, JJ.
DATED : 01.12.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondents. We have even perused the letter dated 17.1.2001 and we have perused the order of the learned Single Judge, which is impugned in this Letters Patent Appeal.

2. The learned counsel for the Respondents points out that the Letters Patent Appeal is not maintainable. We are in agreement with the same, as the learned Single Judge has exercised his jurisdiction under Article 227 of the Constitution of India. Even otherwise on merits, there is no error or illegality in the order passed by the learned Single Judge, refusing to interfere, specially when the Appellant has un-conditionally waived his right to make an application for reference.

(2)

3. The learned counsel for the Appellant fairly states that the letter dated 17.1.2001 still has not been withdrawn. Under these circumstances, we are not inclined to entertain the above Appeal, the same stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(SMT. V.K. TAHILRAMANI, J.)